

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

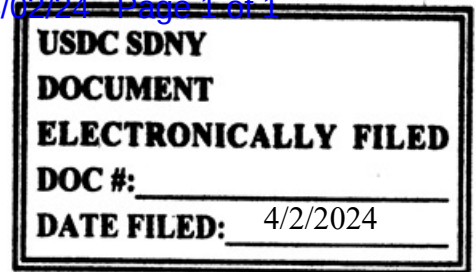
INNOVATE 2 CORP.,

Movant,

-against-

STEPHENS INC.,

Respondent.



24-MC-00074 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

On February 21, 2024, Movant INNOVATE 2 Corp. initiated this action to compel compliance with a subpoena served on Respondent Stephens, Inc. in connection with a lawsuit pending in the United States District Court for the District of Delaware. Dkt. Nos. 1–2. On February 21, 2024, Movant served notice of the motion and the motion to compel compliance with the subpoena (“Motion”), along with supporting documents, on Respondent and on the defendants in the District of Delaware action. Dkt. No. 1 at 3. Respondent has not filed a response.

Movant appears not to have filed the declaration of Joshua Luke Rushing (referenced in Dkt. Nos. 1–2) and the exhibits attached to the declaration, including a copy of the subpoena served on Respondent. It is hereby ORDERED that Movant shall file the declaration and all exhibits, including a copy of the subpoena, by **April 4, 2024**.

It is further ORDERED that by no later than **April 3, 2024**, Movant shall serve this Order, both electronically and/or by overnight courier, on Respondent and on all parties in the District of Delaware action and file proof of such service on the docket by **April 4, 2024**.

“When the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court *if the person subject to the subject to the subpoena consents* or if the court finds exceptional circumstances.” Fed R. Civ. P. 45(f) (emphasis added). **No later than April 11, 2024, Respondent shall file a letter indicating whether it consents to a Rule 45(f) transfer to the court that issued the subpoena.**

If Respondent does not file such a letter or does not consent, it is ORDERED that Respondent shall file a response to the Motion by **April 11, 2024**. If Respondent fails to file a response within that time, this Court will deem the Motion unopposed and fully submitted. Extensions of time are not likely to be granted.

Dated: April 2, 2024
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge